UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.46/1998/3/Add.52
7 July 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
Third session
Geneva, 23-27 November 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply dated 21 January 1998 from the
Permanent Mission of Romania

GE.98-13092 (E)

REPLY BY THE ROMANIAN COMPETENT AUTHORITIES TO THE QUESTIONNAIRE ON THE HUMAN RIGHTS OF MIGRANTS PREPARED BY THE INTERGOVERNMENTAL WORKING GROUP ON HUMAN RIGHTS OF MIGRANTS

1. The latest figures or estimates for:

(a) Total population, including non-nationals, preferably by nationality of origin:

The data in the 1992 Census showed that the population of Romania numbered 22,810,335 persons;

(b) Number of nationals abroad, preferably by country of residence:

The number of Romanian citizens domiciled abroad in 1997 was 21,635 persons. The figures by country of residence were as follows:

Germany	5,362
United States	2,920
Canada	2,416
Italy	1,958
Austria	1,522
Hungary	1,346
France	1,277
Israel	700
Greece	391
Australia	263
Sweden	252
Other countries	3,228

From 1970 to 1972, approximately 270,200 Romanian citizens were resident abroad, the main countries being Germany, Hungary, Austria, United States, Canada, France, etc.

(c) Non-nationals having authorization to work in the country:

The number of non-nationals in Romania with a work permit at the end of September 1997 was 966. Only foreigners who have signed an individual work contract registered with the appropriate local Employment Exchange are authorized to work in Romania.

(d) Irregular migrants, including visa abusers, by country of origin:

In 1997, the Romanian competent authorities found that irregular migrants numbered 1,392. The situation, by country of origin, was as follows:

Albania	49	Lebanon	168
Algeria	3	Libya	17
Bangladesh	39	Morocco	33
Cameroon	8	Nigeria	22
China	150	Pakistan	54

Congo	41	Palestine	62
DPR Korea	5	Peru	9
Egypt	79	Rwanda	11
U.A.E.	9	Syria	199
Ghana	3	Somalia	6
Guinea	7	Sri Lanka	9
India	19	Sudan	48
Jordan	93	Tunisia	9
Iraq	193	Yemen	29
Kuwait	4		

2. What measures are being taken to strengthen the promotion, protection and implementation of human rights of migrants, such as:

(a) Legal measures:

The rights of non-nationals working in Romania are guaranteed by a number of legal enactments now in force. The legislative framework will be broadened following Romania's signing on 14 May 1997 of the (revised) European Social Charter, a Council of Europe document of fundamental importance setting out the right of migrant workers and their families to social protection and assistance. The Ministry of Labour and Social Protection is now engaged in a thorough analysis of the compatibility of Romanian legislation and modifying it so that the Charter can be ratified.

In Romania, the right of residence of foreign citizens for business, study, technical assistance, humanitarian aid, and so on, is guaranteed, pursuant to the provisions of Decree-Law No. 10/1990 and Act No. 25/1969.

Authorization to work in Romania is covered by the provisions of Government Order No. 207 of 19 May 1997, which stipulates that foreign citizens and stateless persons who are to be employed with an individual work contract, by legal persons or natural persons having their headquarters or domicile respectively in Romania, are required to obtain a work permit issued by the Ministry of Labour and Social Protection. Foreign citizens and stateless persons granted refugee status in Romania are exempt from the work permit requirement.

As to the legal provisions governing migrants' working conditions, an important place is held by Act No. 83/1995, concerning certain measures to protect employed persons, which stipulates that persons are to be hired by the signing of an individual work contract between the employee and the employer. A person so employed ranks as a wage earner and has the rights and obligations set out in labour legislation, individual work contracts and collective contracts.

Similarly, the Wages Act, No. 14/1991, also applies to employed persons domiciled in Romania or authorized to work in Romania if they carry out their activities in the country.

Act No. 54/1991, concerning trade unions, establishes that persons who are wage earners are entitled, without any restriction or prior authorization, to form trade unions.

The Labour Code also specifies that employed persons are entitled to contest any measure they deem unlawful and to apply for restitution of the respective rights. Disputes between employees and the respective enterprises in connection with the signing, performance or cessation of a work contract or labour disputes can be solved by judicial bodies or by other bodies specified in law.

Other social protection measures in Romania are intended to cover not only Romanian citizens but also foreigners established in Romania, as well as their families.

For example, the Children's State Allowance Act (No. 61/1993) guarantees the right to an allowance for the children of foreign citizens and stateless persons living in Romania, provided they live with the parents, in Romania.

The Social Welfare Act (No. 67/1995) also stipulates that families or single persons, foreign citizens or stateless persons domiciled in Romania may benefit, under the terms of Romanian law, from social welfare.

(b) Information and education:

With reference to education, foreign citizens register at the various levels of the Romanian education system, in accordance with the regulations in force, through the Ministry of Education.

Primary education is free of charge for the children of persons with the refugee status in Romania, under the terms of Act No. 15/1996, on refugee status in Romania.

Labour legislation is published in Romania's "Monitorul Oficial", which may be consulted at any time in English or French. In addition, officials of the Ministry of Labour and Social Protection preparing the files necessary to obtain a work permit in Romania are required to inform the persons concerned of their obligations under the Work Permit Regulations.

(c) Provision of direct assistance and services:

See the relevant information under item 2 (a).

It should be added that foreigners employed with an individual work contract in Romania receive all kinds of direct assistance from the departments of the Ministry of Labour and Social Protection, as a result of the signing, performance or cessation of a work contract and their status as a wage earner.

With reference to the principle of family reunification, every case is examined separately by the Romanian authorities, in accordance with the agreements and conventions to which Romania is a party and in the light also of a documented migrant's financial means.

Under the terms of the Romanian Citizenship Act, after five years' residence in Romanian territory foreigners may apply to obtain Romanian citizenship; the period of residence is only three years in cases where the foreigner is married to a Romanian citizen.

3. Have there been manifestations (how many cases?) of racism, xenophobia and other forms of discrimination against migrants in your country and against your nationals in another country?

There have been no such manifestations.

(d) Other measures, including bilateral and multilateral arrangements:

With reference to matters pertaining to the labour force, mention should be made of the entry into force on 4 January 1997 of the Agreement between the Government of Romania and the Government of the Lebanese Republic concerning the utilization of manpower, valid for three years.

In the field of social security, Romania has concluded bilateral cooperation agreements on social problems with the Czech Republic, Slovakia, Bulgaria, the Russian Federation, Hungary, Albania, Yugoslavia, France, Libya, Algeria, the Democratic People's Republic of Korea, Peru, Morocco and Greece.

4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)?

No steps have been taken to ratify the above-mentioned conventions.